

(REPRINTED WITH ADOPTED AMENDMENTS)  
THIRD REPRINT S.B. 563

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SENATE BILL NO. 563—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2001

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Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to telecommunications. (BDR 20-1334)

FISCAL NOTE:   Effect on Local Government: No.  
                          Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to telecommunications; providing a procedure by which a customer may dispute a surcharge, fee or designation of place of primary use; changing the place of billing of the customers from which a supplier of mobile telephone service may collect certain fees; changing provisions relating to a limitation on fees charged by local government for a public utility that sells or resells wireless service; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 244A of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     1. *If a customer of a supplier of mobile telephone service believes*  
4     *that the amount of a surcharge imposed pursuant to NRS 244A.7643 or*  
5     *the designation of a place of primary use is incorrect, the customer may*  
6     *notify the supplier of mobile telephone service in writing of the alleged*  
7     *error. The notice must include:*  
8         (a) *The street address for the place of primary use of the customer;*  
9         (b) *The account number and name shown on the billing statement of*  
10        *the account for which the customer alleges the error;*  
11        (c) *A description of the alleged error; and*  
12        (d) *Any other information which the supplier of mobile telephone*  
13        *service may reasonably require to investigate the alleged error.*  
14     2. *Within 60 days after receiving a notice sent pursuant to subsection*  
15     *1, the supplier of mobile telephone service shall review the records that*  
16     *the supplier of mobile telephone service uses to determine the place of*  
17     *primary use of its customers.*  
18     3. *If the review indicates:*  
19         (a) *That the alleged error exists, the supplier of mobile telephone*  
20         *service shall correct the error and refund or credit the customer for the*  
21         *amount which was erroneously collected for the applicable period, not to*



1 *exceed the 24 months immediately preceding the date on which the*  
2 *customer notified the supplier of mobile telephone service of the alleged*  
3 *error.*

4 *(b) That no error exists, the supplier of mobile service shall provide a*  
5 *written explanation to the customer who alleged the error.*

6 *4. A customer may not bring a cause of action against a supplier of*  
7 *mobile telephone service for surcharges incorrectly imposed pursuant to*  
8 *NRS 244A.7643 unless he first complies with this section.*

9 **Sec. 2.** NRS 244A.7641 is hereby amended to read as follows:

10 244A.7641 As used in NRS 244A.7641 to 244A.7647, inclusive, *and*  
11 *section 1 of this act*, unless the context otherwise requires:

12 1. "Mobile telephone service" means cellular or other service to a  
13 telephone installed in a vehicle or otherwise portable.

14 2. *"Place of primary use" has the meaning ascribed to it in 4 U.S.C.*  
15 *§ 124(8), as that section existed on August 1, 2002.*

16 3. "Supplier" means a person authorized by the Federal  
17 Communications Commission to provide mobile telephone service.

18 **Sec. 3.** NRS 244A.7643 is hereby amended to read as follows:

19 244A.7643 1. The board of county commissioners in a county whose  
20 population is more than 100,000 but less than 400,000 may, by ordinance,  
21 impose a surcharge on:

22 (a) Each access line or trunk line of each customer to the local exchange  
23 of any telephone company providing those lines in the county; and

24 (b) The mobile telephone service provided to each customer of that  
25 service ~~who resides~~ *whose place of primary use is* in the county,  
26 for the enhancement of the telephone system for reporting an emergency in  
27 the county.

28 2. The surcharge imposed by a board of county commissioners  
29 pursuant to subsection 1:

30 (a) For each access line to the local exchange of a telephone company,  
31 must not exceed 25 cents each month;

32 (b) For each trunk line to the local exchange of a telephone company,  
33 must equal 10 times the amount of the surcharge imposed for each access  
34 line to the local exchange of a telephone company pursuant to paragraph  
35 (a); and

36 (c) For each telephone number assigned to a customer by a supplier of  
37 mobile telephone service, must equal the amount of the surcharge imposed  
38 for each access line to the local exchange of a telephone company pursuant  
39 to paragraph (a).

40 3. A telephone company which provides access lines or trunk lines in a  
41 county which imposes a surcharge pursuant to this section or a supplier  
42 which provides mobile telephone service to a customer in such a county ~~it~~  
43 shall collect the surcharge from its customers each month. Except as  
44 otherwise provided in NRS 244A.7647, the telephone company or supplier  
45 shall remit the surcharge it collects to the treasurer of the county where the  
46 surcharge is imposed not later than the 15th day of the month after the  
47 month it receives payment of the surcharge from its customers.



\* S B 5 6 3 R 3 \*

1 4. An ordinance adopted pursuant to subsection 1 may include a  
2 schedule of penalties for the delinquent payment of amounts due from  
3 telephone companies or suppliers pursuant to this section. Such a schedule:

4 (a) Must provide for a grace period of not less than 90 days after the  
5 date on which the telephone company or supplier must otherwise remit the  
6 surcharge to the county treasurer; and

7 (b) Must not provide for a penalty that exceeds 5 percent of the  
8 cumulative amount of surcharges owed by a telephone company or a  
9 supplier.

10 5. As used in this section, "trunk line" means a line which provides a  
11 channel between a switchboard owned by a customer of a telephone  
12 company and the local exchange of the telephone company.

13 **Sec. 4.** Chapter 354 of NRS is hereby amended by adding thereto the  
14 provisions set forth as sections 5 and 6 of this act.

15 **Sec. 5. 1. *If a customer of a public utility that sells or resells***  
16 ***personal wireless services believes that the amount of a fee imposed***  
17 ***pursuant to this section and NRS 354.59881 to 354.59889, inclusive, or***  
18 ***the designation of a place of primary use is incorrect, the customer may***  
19 ***notify the public utility in writing of the alleged error. The notice must***  
20 ***include:***

21 ***(a) The street address for the place of primary use of the customer;***

22 ***(b) The account number and name shown on the billing statement of***  
23 ***the account for which the customer alleges the error;***

24 ***(c) A description of the alleged error; and***

25 ***(d) Any other information which the public utility may reasonably***  
26 ***require to investigate the alleged error.***

27 **2. *Within 60 days after receiving a notice sent pursuant to subsection***  
28 ***1, the public utility shall review the records which the public utility uses***  
29 ***to determine the place of primary use of its customers.***

30 **3. *If the review indicates:***

31 ***(a) That the alleged error exists, the public utility shall correct the***  
32 ***error and refund or credit the customer for the amount which was***  
33 ***erroneously collected for the applicable period, not to exceed the 24***  
34 ***months immediately preceding the date on which the customer notified***  
35 ***the public utility of the alleged error.***

36 ***(b) That no error exists, the public utility shall provide a written***  
37 ***explanation to the customer who alleged the error.***

38 **4. *A customer may not bring a cause of action against a public utility***  
39 ***that sells or resells personal wireless services for fees incorrectly imposed***  
40 ***pursuant to this section and NRS 354.59881 to 354.59889, inclusive,***  
41 ***unless he first complies with this section.***

42 **Sec. 6. *"Place of primary use" has the meaning ascribed to it in 4***  
43 ***U.S.C. § 124(8), as that section existed on August 1, 2002.***

44 **Sec. 7.** NRS 354.59881 is hereby amended to read as follows:

45 354.59881 As used in NRS 354.59881 to 354.59889, inclusive, ***and***  
46 ***sections 5 and 6 of this act***, unless the context otherwise requires, the  
47 words and terms defined in NRS 354.598811 to 354.598818, inclusive,  
48 ***and section 6 of this act*** have the meanings ascribed to them in those  
49 sections.



1     **Sec. 8.** NRS 354.59883 is hereby amended to read as follows:  
2     354.59883 A city or county shall not adopt an ordinance imposing or  
3     increasing a fee:  
4         1. If that ordinance would alter the terms of any existing franchise  
5     agreement between the city or county and a public utility.  
6         2. That applies to any public utility which does not derive revenue  
7     from customers located within the jurisdiction of the city or county.  
8         3. If, after the adoption of the ordinance:  
9         (a) Any part of a fee to which the ordinance applies will be based upon  
10     any revenue of a public utility other than its revenue from customers  
11     located within the jurisdiction of the city or county.  
12         (b) The total cumulative amount of all fees the city or county imposes  
13     upon a public utility to which the ordinance applies will exceed:  
14         (1) Except as otherwise provided in subparagraph (2), 5 percent of  
15     the utility's gross revenue from customers located within the jurisdiction of  
16     the city or county.  
17         (2) For a public utility that sells or resells personal wireless services,  
18     5 percent of its gross revenue from the first \$15 charged monthly for each  
19     line of access for each of its customers ~~who has a billing address~~ *whose*  
20     *place of primary use is* located within the jurisdiction of the city or county.  
21     **Secs. 9-11.** (Deleted by amendment.)  
22     **Sec. 12.** This act becomes effective on August 1, 2002.

